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13 Chapter 11 Trustee

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 PATRICIA ISABELLE HEWLETT,

18 Appellant,

19 v.

20 JANINA M. ELDER, Trustee,

21 Appellee.

Case No. 07-CV-05883 CRB

**[PROPOSED] ORDER GRANTING
MOTION TO DISMISS APPEAL
[F.R.C.P. 12(b)(1)]**

Date: February 1, 2008

Time: 10:00 a.m.

Place: 450 Golden Gate Ave.
Courtroom 8, Floor 19
San Francisco, CA

22 The Appellee's motion to dismiss the appeal filed by Appellant Patricia Hewlett pursuant
23 to Federal Rule of Civil Procedure 12(b)(1), came on for hearing on February 1, 2008 at 10:00
24 a.m. Jeffrey L. Fillerup appeared for the moving party, Appellee Janina M. Elder, Chapter 11
25 Trustee. James Attridge appeared for the Appellant Patricia Hewlett.

26 Based on the papers filed in support of and against the Trustee's Rule 12(b)(1) motion and
27 the argument of counsel, IT IS HEREBY ORDERED that the Trustee's motion is granted and the
28 Appellant's appeal is dismissed because this Court lacks subject matter jurisdiction over the

1 subject of the appeal because the Appellant's notice of appeal was not filed within the 10-day time
2 period provided in Bankruptcy Rule 8002(a).

3 Dated: February , 2008

By:

4 Charles R. Breyer
United States District Court Judge

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